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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/658,785	09/09/2003	Daniel W. Britton	BJVE121690	1820

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EXAMINER

AVERY, BRIDGET D

ART UNIT	PAPER NUMBER
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3618

DATE MAILED: 03/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/658,785	BRITTON ET AL.	
	Examiner	Art Unit	
	Bridget Avery	3618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 December 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4, 7, 8, 10, 11, 13-25 and 27-69 is/are pending in the application.
- 4a) Of the above claim(s) 34-69 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 7, 8, 10, 11, 13-25 and 27-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Newly submitted claims 34-69 directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: Claims 34-57 are drawn to a body receptacle usable in a child carrier which is a separate invention with separate utility that could include use in a hand/arm carrier, a backpack carrier or car seat. The primary search for prior art is different from the search for a wheeled frame found on a bicycle trailer (as recited in the original claims 1-33 presented by applicant). With respect to claims 58-69, the original claims are drawn to a body receptacle

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 34-69 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 7, 16, 18, 20 and 21 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

2. Claim 7 recites the limitation "belts" in line 2. There is insufficient antecedent basis for this limitation in the claim.
3. Claim 16 recites the limitation "the backside" in line 2. There is insufficient antecedent basis for this limitation in the claim.
4. Claim 21, applicant's recitation of "is" is confusing because it is unclear as to what element "its" refers to.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1, 2, 7, 8, 13, 14 and 16-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Jacobus (US Patent 3,578,380).

Jacobus teaches a body receptacle for a wheeled frame; the receptacle can be fastened in the frame with at least one fastening element, the body receptacle including a flexible mat, which can be brought into the transporting form with the help of tensioning devices, the mat having a first lengthwise side and a second lengthwise side; a foldable tubular sleeve formed by outer binding (54) extending along each of the first lengthwise side and the second lengthwise side; and a belt (52) extending lengthwise inside each tubular sleeve formed by outer binding (54). The mat including integral side portions (43) that form sidewalls. The belt runs along the upper edges of the

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sidewalls (43). Re claim 8, the ends of the belt form "fastening elements." Re claim 13, the sleeves are curved as clearly shown in Figure 3. The mat has a concave shape. Re claim 16, see back portion (32) that forms a strap that runs crosswise to the mat's longitudinal axis and fastening elements (36) on the strap (32). Re claims 17 and 18, an adjustable drawstring forming the belt is inherently taught and the straps can be adjusted as taught in column 2, lines 54-63.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 3, 4, 10, 15, 21-25 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jacobus ('380) in view of Rogers et al. (US Patent 5,829,835).

Jacobus teaches the features described above.

Jacobus lacks the teaching of padding, fabric and foam.

Rogers et al. teaches a liner formed of padded cloth material or thin foam material.

Based on the teachings of Rogers et al., it would have been obvious to one having ordinary skill in the art, at the time the invention was made, to construct the mat and sleeves using padded fabric and foam material to insulate a child from the protruding wires of a shopping cart child seat. The sleeve will create a raised padding

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along the front edge of the mat. It would have been obvious to one having ordinary skill in the art, at the time the invention was made to partially cover the mat with fleece, since it has been held to be within the general skill of a worker in the art, to select a known material on the basis of its suitability for the intended use. In this case, it would have been obvious to use fleece to enhance rider comfort during prolonged use.

2. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jacobus ('380).

Jacobus teaches the features described above.

Jacobus lacks the teaching of attaching the belts the sleeves using glue and the use of fleece material.

It would have been obvious to one having ordinary skill in the art, at the time the invention was made to glue the belts within the sleeves of Jacobus based on the equivalence of the fastening methods of attaching the bottom of the belt within the sleeve/slot and gluing the belt to the sleeve as claimed by applicant for their use in the vehicle art and the selection of these known equivalents to retain a belt therein would be within the level of ordinary skill in the art.

3. Claims 19, 20 and 28-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jacobus ('380) in view of Gibson (US Patent 5,238,293).

Jacobus teaches the features described above.

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Jacobus lacks the teaching of a snap buckle, a corresponding counter piece, openings and a restraint.

Gibson teaches openings, a snap buckle and a corresponding counter piece on a restraint.

Based on the teachings of Gibson, it would have been obvious to one having ordinary skill in the art, at the time the invention was made, to add a snap buckle and corresponding counter piece on the ends of the drawstring to permit quick connection and release of the belt. It would have been obvious to one having ordinary skill in the art, at the time the invention was made, to add openings and a restraint to the mat of Jacobus for safety to prevent a child from standing while in a cart.

4. Claims 31 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jacobus ('380) and Gibson ('293), as applied to claim 28 above, and further in view of Divoky et al. (US Patent 6,186,521).

The combination of Jacobus and Gibson teach the features described above.

The combination of Jacobus and Gibson lack the teaching of several pairs of openings.

Divoky et al. teaches several pairs of openings for shoulder belts.

Based on the teachings of Divoky et al., it would have been obvious to one having ordinary skill in the art, at the time the invention was made, to add several pairs of shoulder belt openings to provide a restraint to accommodate children of different heights.

5. Claim 33 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jacobus ('380) in view of MacAlpine (US Patent 3,747,955).

Jacobus teaches the features described above.

Jacobus lacks the teaching of a frame that is part of the passenger compartment of a bicycle trailer.

MacAlpine teaches a trailer for a bicycle.

Based on the teachings of MacAlpine, it would have been obvious to one having ordinary skill in the art, at the time the invention was made, to add the mat to the frame of a bicycle trailer to safely secure a child within the trailer while cycling.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Dimas, Jr. shows a carrier particularly for grocery store shopping cart.

Houllis shows a multi-adjustable cushion for a shopping cart.

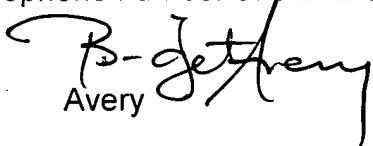
Howell shows a child restraint seat for shopping.

Quartano shows a child shopping cart cushion.

Bergh et al. shows a universal adaptable shopping cart cushion.

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7. Any inquiry concerning this communication should be directed to Bridget Avery at telephone number 571-272-6691.


Avery

March 2, 2005



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